

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
STATE, *et al.*,

Defendants.

NO. C18-1115RSL

**ORDER DENYING MOTION TO
COMPEL EXPEDITED
PRODUCTION OF
ADMINISTRATIVE RECORD**

This matter comes before the Court on “The States’ Motion to Compel Production of Administrative Record in Accordance with 5 U.S.C. § 706.” Dkt. # 34. The record of the decision-making process that led to the temporary and/or permanent revision of the United States Munitions List (“USML”) to allow the distribution instructions for the automated production of 3-D printed weapons is undoubtedly relevant to plaintiffs’ argument that the decision was arbitrary and capricious. Plaintiffs acknowledge, however, that their procedural claims for preliminary relief can be decided without consideration of the administrative record.

Plaintiffs' motion in support of their request for a preliminary injunction has already been filed, and defendants' opposition is due in two days. The Court will not require the federal defendants to divert their attention from the agreed-upon briefing schedule to identify, collect, and produce the administrative record, a task that will likely be complicated given the interplay of agency action and litigation. The motion to compel the expedited production of the

1 administrative record is therefore DENIED at this juncture. If defendants rely on the unproduced
2 record to oppose plaintiffs' request for a preliminary injunction and plaintiffs need the record on
3 an expedited basis in order to rebut defendants' factual representations, the Court will fashion
4 appropriate relief at or after the hearing on August 21, 2018.
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7 Dated this 13th day of August, 2018.

8 Robert S. Lasnik

9 Robert S. Lasnik
United States District Judge